IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE
CIVIL APPLICATION NO. 1638 OF 2007
IN
WRIT PETITION NO. 2531 OF 2005

Smt. Harkubai Sukrya Andhrx & ors.... Petitioner

versus

German Frank Nikolav & ors..... Respondent.

Mr. R.D.Suryawanshi for the petitioner
Mr. Kunal Cheema i/b Yadunath Chaudhary for
Respondent nos. 1 to 5.
Mr. R.C.Kaushik for respondent no.6.
Ms. V.S.Mhaispurkar AGP for espondent no.7.

CORAM; A.P. DESHPANDE, J.
DATED; 03RD SEPTEMBER, 2007

P.C.;

1. Shri. Kunal Cheema appears for respondent nos. 1 to 5. Shri R.C.Kaushik appears for resopondent no.6. The AGP appears for respondent no.7.

2. By the present Civil Application the petitioner/applicant is seeking condonation of delay in filing application for restoration of the writ petition, which came to be dismissed on 18-9-2006 on account of absence of the counsel. There is a delay of about 133 days in filing the application for restoration. It is stated in the application that concerned advocate, because of oversight, did not

notice the case in the cause list and hence no one apprared in the matter, when called out. The petition came to be dismissed on account of the absence of the counsel when the matter was called out. It is brought to my notice that rule was granted on 19-6-2007 and the same was made returnable within two months. It is in this background, that the matter was listed for final hearing and on account of absence of the counsel, case was dismissed. For the reasons set out in the application, the order of dismissal of petition for non prosecution is set aside. The delay is condoned and the petition is restored to file. C.A. accordingly disposed of.

....